

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ENTERED

February 13, 2020

David J. Bradley, Clerk

BENJAMIN VASQUEZ,

Petitioner,

v.

NFN WARDEN – FCI THREE RIVERS,

Respondent.

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CIVIL ACTION NO. 2:19-CV-178

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge B. Janice Ellington's Memorandum and Recommendation (M&R), entered on November 21, 2019. (D.E. 13). The M&R recommends that the Court dismiss Vasquez's petition without prejudice for want of prosecution.

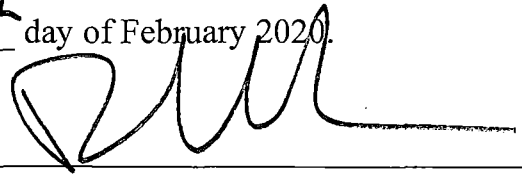
The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R.¹ *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the

¹ Petitioner's mail was returned as undeliverable several times. As a party, he is required to keep the Court apprised of his current address at all times and has failed to do so.

M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 13). Accordingly, the petition is **DISMISSED without prejudice** for want of prosecution.

SIGNED and ORDERED this 12th day of February 2020.

A handwritten signature in black ink, appearing to read 'D. Morales', written over a horizontal line.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE